

DRAFT WELSH STATUTORY
INSTRUMENTS

2024 No. (W.)

SOCIAL CARE, WALES

**The Partnership Arrangements
(Miscellaneous Amendments etc.)
(Wales) Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Social Services and Well-being (Wales) Act 2014 (anaw 4) (“the Act”) and they amend the following Regulations—

- (a) the Partnership Arrangements (Wales) Regulations 2015 (S.I. 2015/1989 (W. 299)) (“the Partnership Arrangements Regulations”);
- (b) the Care and Support (Area Planning) (Wales) Regulations 2017 (S.I. 2017/56 (W. 26)) (“the Area Planning Regulations”);
- (c) the Partnership Arrangements (Amendment) and Regulated Services (Market Stability Reports) (Wales) Regulations 2021 (S.I. 2021/198 (W. 46)) (“the Market Stability Reports Regulations”).

Regulations 3 to 8 amend the Partnership Arrangements Regulations to expand the objectives of a regional partnership board, increase the membership of the board and to make provision for a new class of board member (an independent observer member).

They also make amendments to improve the administrative arrangements of regional partnership boards, including a requirement for a board to undertake periodic self-assessments of its performance, and increase the range of information that must be included in its annual report.

Regulation 8 amends Schedule 1 to the Partnership Arrangements Regulations so that a local authority’s functions under section 12 of the Children and Families (Wales) Measure 2010 (nawm 1) must be exercised in accordance with partnership arrangements.

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

Regulation 9 amends the Area Planning Regulations to increase the requirements for monitoring and evaluation of the progress made by the partnership bodies in delivering on actions identified in a plan prepared under section 14A of the Act.

Regulation 10 amends the Market Stability Reports Regulations to change the date by which future market stability reports must be published.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations.

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2024 No. (W.)

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**The Partnership Arrangements
(Miscellaneous Amendments etc.)
(Wales) Regulations 2024**

Made

Coming into force

31 December 2024

The Welsh Ministers, in exercise of the powers conferred by sections 14A(7)(b), 144B(1), 166(1)(b) and (4)(a), and 168(2)(a), (c), (d) and (e) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations.

A draft of these Regulations was laid before Senedd Cymru under section 196(6)(a) of that Act and has been approved by resolution of Senedd Cymru.

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024.

(2) These Regulations come into force on 31 December 2024.

(3) In these Regulations—

“the Area Planning Regulations (“*y Rheoliadau Cynllunio Ardal*”) means the Care and Support (Area Planning) (Wales) Regulations 2017⁽²⁾;

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- (1) 2014 anaw 4 (“the Act”). Section 14A was inserted by the Well-being of Future Generations (Wales) Act 2015 (anaw 2), Schedule 4, paragraph 34. Section 144B was inserted by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), section 56(1).
- (2) S.I. 2017/56 (W. 26).

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

“the Market Stability Reports Regulations” (“*y Rheoliadau Adroddiadau ar Sefydlogrwydd y Farchnad*”) means the Partnership Arrangements (Amendment) and Regulated Services (Market Stability Reports) (Wales) Regulations 2021(1);

“the Partnership Arrangements Regulations” (“*y Rheoliadau Trefniadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(2).

PART 2

Amendment of the Partnership Arrangements Regulations

2. The Partnership Arrangements Regulations are amended in accordance with regulations 3 to 8.

3. In regulation 1(4) (interpretation) at the appropriate place in alphabetical order insert—

““annual delivery plan” (“*cynllun cyflawni blynyddol*”) means the annual delivery plan that a relevant body or the relevant bodies must prepare in accordance with regulation 7(1) of the Care and Support (Area Planning) (Wales) Regulations 2017”;

““area plan” (“*cynllun ardal*”) means the plan which a relevant body is required to prepare in accordance with section 14A(2) of the Act”;

““the Citizen Voice Body” (“*Corff Llais y Dinesydd*”) means the Citizen Voice Body for Health and Social Care established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020(3)”;

““joint area plan” (“*cynllun ardal ar y cyd*”) means an area plan which has been prepared by a relevant body jointly with another relevant body in accordance with the powers in section 14A(4) or (5) of the Act”;

““market stability report” (“*adroddiad ar sefydlogrwydd y farchnad*”) means the report which a local authority is required to prepare and publish under section 144B of the Act”.

4.—(1) Regulation 10 (objectives of regional partnership boards) is amended as follows.

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- (1) S.I. 2021/198 (W. 46).
(2) S.I. 2015/1989 (W. 299); relevant amending instruments are S.I. 2017/491 (W. 103), 2018/48 (W. 15) and 2019/760 (W. 143).
(3) 2020 asc 1.

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

(2) In paragraph (a)—

(i) at the end of sub-paragraph (i), omit “and”;

(ii) at the end of sub-paragraph (ii), omit the semi colon and insert—

“;

(iii) respond to the market stability report which local authorities are required to prepare and publish under section 144B of the Act,

(iv) give due regard to a local authority’s duty under section 16 of the Act to promote social enterprises, co-operatives, user-led services and the third sector when responding to a market stability report, and when implementing an area plan, or a joint area plan, and

(v) promote the development of integrated health and social services arrangements;”.

(3) At the end of paragraph (c) omit the full stop and insert—

“;

(d) to monitor how a local authority exercises its duty under section 12 of the Children and Families (Wales) Measure 2010(1) in relation to the exercise of the partnership arrangements;

(e) to work with the Citizen Voice Body to promote the involvement of people who need care and support, and carers, in the work of the partnership arrangements.”

5.—(1) Regulation 11 (membership of regional partnership boards) is amended as follows.

(2) At the end of paragraph (1)(k) omit the full stop and insert—

“;

(l) a representative of the Welsh Ambulance Services National Health Service Trust(2);

(m) at least one person to represent the interests of the providers of primary care services in the area covered by the regional partnership board;

(n) at least one person to represent the interests of workers who provide health or social care services in the area covered by the regional partnership board;

(1) 2010 nawm 1.

(2) The Welsh Ambulance Services National Health Service Trust was established by article 2 of the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. 1998/678).

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

- (o) at least one person to represent the County Voluntary Councils⁽¹⁾ which represent the area covered by the regional partnership board.

(1A) A regional partnership board must invite a representative of the Citizen Voice Body to be an independent observer member of the board.

(1B) A regional partnership board may invite such other persons to be independent observer members of the board as it thinks appropriate.

(1C) An independent observer member who is appointed under paragraph (1A) or (1B)—

- (a) must agree to being appointed to the board to serve in that capacity;
- (b) may participate in any meeting of the board but is not entitled to vote at any meeting of the board on any question that falls to be decided at that meeting;
- (c) must not be counted in any quorum for a meeting of the board.”

(3) In paragraph (4), at the appropriate place in alphabetical order insert—

““primary care services” (“*gwansanaethau gofal sylfaenol*”) means the services provided as part of the national health service pursuant to arrangements made by Local Health Boards in accordance with Parts 4 to 7 of the National Health Service (Wales) Act 2006⁽²⁾.”

6. After regulation 11 insert—

“Responsible persons

11A.—(1) Each partnership body must appoint a responsible person to facilitate the partnership arrangements and promote co-operation between—

- (a) the partnership body;
- (b) each of the other partnership bodies within the partnership arrangement;
- (c) the regional partnership board.

(2) A local authority must appoint the person appointed as director of social services under section 144 of the Act as the responsible person for the authority.

(1) There are 19 County Voluntary Councils in Wales (CVC); the primary function of a CVC is to provide advice and information to local voluntary and community groups on volunteering, funding sources, etc.

(2) 2006 c. 42.

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

(3) A Local Health Board must appoint the executive member who is appointed as a member of the regional partnership board as the responsible person for the Board.

(4) A responsible person must—

- (a) encourage co-operation and partnership working within the partnership body;
- (b) take the lead in promoting the partnership body's contribution to the meeting of the objectives of the regional partnership board;
- (c) report back to the cabinet or, as the case may be, the board of their appointing partnership body on the work of the regional partnership board.

Administrative functions of regional partnership boards

11B.—(1) A regional partnership board must publish descriptions of the role and responsibilities of the categories of members of the board which are specified in regulation 11.

(2) A regional partnership board must establish and publish the procedure for recruiting members of the board who represent the interests of persons referred to in regulation 11(1)(g) and (h).

(3) A regional partnership board must provide support and guidance to support members of the board, in particular those members who represent the interests of persons referred to in regulation 11(1)(g) and (h) and members who represent the interests of organisations referred to in regulation 11(1)(e).

Self-assessment

11C.—(1) A regional partnership board must perform a self-assessment of its performance in order to evaluate the extent to which it met the objectives specified in regulation 10 (“its objectives”) during the previous 12 months and prepare a report of its conclusions.

(2) In this regulation and in regulation 12 (reports), a self-assessment performed, and a report prepared under paragraph (1) are collectively referred to as “a self-assessment report”.

(3) A self-assessment report must also include details of any actions that the board intends to take, and any actions that it has already taken,

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with a view to increasing the extent to which it will meet its objectives in the year following the year to which the report relates.

(4) A self-assessment report (other than a regional partnership board's first self-assessment report) must include the board's assessment as to the extent to which the conclusions of the board contained in a review performed under paragraph (7) have been affected as a result of any actions it has taken to meet its objectives in the previous 12 months.

(5) The first self-assessment report must be prepared by 1 April 2025.

(6) Subsequent self-assessment reports must be prepared at intervals of two years by 1 April.

(7) A regional partnership board must perform a review of a self-assessment report.

(8) In these Regulations a review performed, and a report prepared in accordance with paragraph (6) are collectively referred to as "a review".

(9) A review under paragraph (7) must contain an evaluation of the extent to which any actions of the board, including actions taken in accordance with paragraph (3), have increased the extent to which the board met its objectives in the 12 months since the self-assessment report was prepared.

(10) The first review must be performed by 1 April 2026.

(11) Subsequent reviews must be prepared at intervals of two years by 1 April.

(12) A regional partnership board must publish a summary of the results of a self-assessment report or, as the case may be, the review undertaken in accordance with this regulation in a report prepared in accordance with regulation 12."

7. In regulation 12 (reports), after paragraph (3) insert—

“(4) From **1 April 2025**—

(a) reports must contain—

- (i) a description of the purpose, role, membership, operating structure and the key priorities of the board,
- (ii) information on how the partnership arrangements have responded to the population assessment and the market stability report, and to the implementation of the area plan or,

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

- as the case may be, the joint area plan,
- (iii) the information provided in accordance with paragraph (ii) must include details of how resources have been utilised,
 - (iv) information on the ways the board has supported integration of health and social services arrangements,
 - (v) information on how the board has supported improved service delivery to secure better outcomes for people,
 - (vi) an account of how the board has engaged with citizens (in particular people who need care and support, carers, children and young people) in its work,
 - (vii) an account of how the board has promoted the involvement of citizens in its work, and an assessment of the impact that has made on improving well-being outcomes for people within the area covered by the regional partnership board,
 - (viii) information on any joint commissioning activity and the use of pooled funds in the partnership arrangements,
 - (ix) information on how the partnership bodies have engaged with social enterprises, co-operatives, user-led services and third sector organisations (within the meaning of section 16(2) of the Act) in the partnership arrangements,
 - (x) information on the priorities of the board for the next 12 months,
 - (xi) a summary of a self-assessment report or a review undertaken in accordance with regulation 11C, and
 - (xii) the results of a review undertaken in accordance with regulation 8(2) of the Care and Support (Area Planning) (Wales) Regulations 2017 (monitoring and evaluation: annual review);
- (b) each partnership body must publish on its website a report prepared by the regional partnership board under this regulation.”

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

8. In Schedule 1, in Table 1 (local authority functions), after item 9 insert—

“10. The functions of a local authority under section 12 of the Children and Families (Wales) Measure 2010⁽¹⁾.”

⁽¹⁾ 2010 nawm 1.”

PART 3

Amendment of the Area Planning Regulations

9. In the Area Planning Regulations, for regulation 7 substitute—

“Monitoring and evaluation: annual delivery plan

7.—(1) A relevant body or, in the case of a joint area plan, the relevant bodies must prepare and publish an annual delivery plan which specifies the way in which the services and actions identified in the area plan or, as the case may be, the joint area plan, will be delivered or undertaken in order to meet the needs identified in the population assessment report during the next 12 months beginning with the date on which the annual delivery plan is published.

(2) The first annual delivery plan must be prepared and published by a relevant body or, as the case may be, the relevant bodies by 1 April 2025.

(3) Each relevant body must publish on its website the annual delivery plan which has been produced by the relevant body or, in appropriate cases, the relevant bodies.

(4) A relevant body or, where a joint annual plan has been prepared, one of the relevant bodies must submit to the Welsh Ministers a copy of an annual delivery plan prepared in accordance with this regulation.

Monitoring and evaluation: annual review

8.—(1) A relevant body or, in the case of joint area plan, the relevant bodies must take appropriate steps to monitor and evaluate the impact of delivery of the services and actions undertaken in accordance with the area plan or, in appropriate cases, the joint area plan.

Draft Regulations laid before Senedd Cymru under section 196(6)(a) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.

(2) A relevant body or, in the case of joint area plan, the relevant bodies must undertake an annual review of the progress made in the delivery of the area plan or, as the case may be, joint area plan as a result of the services provided and actions undertaken in accordance with the annual delivery plan for the previous 12 month period.

(3) The first annual review must be undertaken by a relevant body or, as the case may be, the relevant bodies by 1 April 2026.

(4) A relevant body or, in appropriate cases, the relevant bodies must ensure that the results of a review undertaken in accordance with paragraph (2) are included as part of the annual report published by the relevant Regional Partnership Board in accordance with regulation 12 of the partnership arrangements regulations.”

PART 4

Amendment of the Market Stability Reports Regulations

10. In the Market Stability Reports Regulations, in regulation 4 (publication of market stability report)—

(a) at the end of paragraph (1) insert “(the first report)”;

(b) for paragraph (2) substitute—

“(2) Local authorities must publish their second market stability report by 1 September 2027.

(3) Subsequent market stability reports must be published at intervals not exceeding five years by 1 September.”

Name

Minister for Social Care under authority of
the Cabinet Secretary for Health and Social Care, one
of the Welsh Ministers

Date